of Paving Districts.

END OF AN INTERESTING OMAHA CASE

City Council and Mayor of Cities of the First Class May Make Such Improvements Without the Request of Property Owners.

Lincoln, Sept. 20. - [Special to THE BEE.] -The supreme court today nanded down its opinion in the case of the state ex rel Omaha against Birkhauser. This case was brought before the court last July and decided the points at issue. A memorandum for an opinion was given at the time and the opinion itself handed down today. The syllabus is as follows:

syllabus is as follows:

1. The mayor and council of a city of the metropolitan class have jurisdiction to croate paving districts without a petition of the property owners being presented to the city councils except where the entire improvement is to be done at the costs of the lot owners, in which case they have no power to act unless petitioned to do so by the owners of the majority of the feet fromtage of the lots in such proposed district.

2. To confer jurisdiction upon the mayor and council of such a city to pass an ordinance ordering the paving of streets in a paving district a petition praying for such improvement, signed by the owners representing a majority of the front feet of the lots abuiting upon the portion of the street to be improved, must be first submitted to the city council.

3. The kind of material to be used in the

ting upon the portion of the street to be improved, must be first submitted to the city council.

3. The kind of material to be used in the paving, repaying or macadamizing of streets shall be such as the majority of property owners in the paving district shall determine; and in case such owners fall to designate the material they desire to use in such improvement within thirty days the mayor and council have authority to make the selection.

4. Rids for paying may be advertised for and received either before or after the selection of material is made, and if made before such selection it is not necessary that the Board of Public Works should readvertise for and receive bids after such designation, although it may do so.

5. By section 104 of the act incorporating metropolitan cities it is made the duty of the Board of Public Works to make contracts on behalf of the cuty for the performance of such works and the erection of such improvements as shall be ordered by the mayor and city council, but subject to their approval.

Justice Norvai's Comments.

Justice Norvat's Comments. After reciting the issues in the case as made up by the contending parties, and quoting at length the provisions of the Onaha charter, Justice Norval continues as

"A perusal of the numerous provisions—[of the law]—is sufficient to carry conviction to the mind that the lawmakers never intended to limit the jurisdiction of the city council to form paving districts to cases where the property owners have petitioned for the same. It will be observed that the statute under consideration contains no pro-vision which in express terms requires that the lot owners must petition for the cre-ation of a paving district before the same can be established, except where the entire can be established, except where the entire improvement is to be done without expense to the municipality. The legislature has provided by language that cannot be misunderstood that certain street improvements can be made alone upon a petition of the property owners. Thus, where a street is to be graded otherwise than at the established grade, the owners representing a majority of the front feet of the lots abutting upon the portion of the street to be so graded, must petition for such improvegraded, must petition for such improve-ment; and when three-fifths of such lot owners petition for the grading of a street or alley without expense to the city, the work may be ordered done and the costs assessed against the abutting property. "Likewise it is provided that a street, avenue or alley which has not been ordered

payed, the city council cannot require it curbed and guttered unless petitioned so to do by a majority of the owners of the property abutting upon that part of the street, avenue or alley to be thus improved. Petition Not Required.

"The conclusion is irresistible that a petition for the erection of a paying district is not required except where the entire im-provement is to be done at the cost of the lot owners of such district. The construction of the statute does not conflict with the decision in the Beatrice case. That was an action to enjoin the making of a contract for the grading and paving of two districts in the city of Beatrice. The petition for paving one of the districts was signed by less than a majority of the lot owners, and the same is likewise true of the petitions for improving the streets of the other district, not counting the names of those who signed conditionally. The court held that a petition to confer jurisdiction upon the council of a city of the second class, having over 5,000 and less than 25,000 in the leaves of the review of the second class. inhabitants, to order the paving of a street in a paving district must be signed uncondi-tionally by the owners of the majority of the feet frontage therein. Whether a city coun-cil possesses authority to create a paving district upon a petition, the court did not con-sider or pass upon in that case, although there appears in the body of the opinion filed therein a single sentence which seems to be in conflict with the views above ex-

"The remaining question to be considered "The remaining question to be considered is this: Was it necessary to advertise and receive bids for paving after the designation by the lot owners of material to be used? The statute authorizes a majority of the property owners to select the kind of material to be used in paving streets; and in case they fail to notify the council in writing of such selection within thirty days the mayor and council are empowered to design. mayor and council are empowered to desig-nate the material."

Canfield vs Bittinger. Error from Dawes county. Opinion by Mr. Justice Post. An action can be maintained on a claim before it is due only in the exceptional cases enumerated in section 237 of the code. Deranieau vs Jandt. Error from Dawes county. Affirmed. Opinion by Mr. Justice Norval.

Evidence examined and held to sustain the evidence examined and held to sustain the verdict.

2. It is not reversible error to permit a jury to remain in charge of a deputy sheriff while deliberating upon their verdict without his being specially sworn in by the court in that behalf.

Smithson vs Smithson. Appeal from Doug-las county. Decree reversed and action dismissed. Opinion by Mr. Justice Post. Where courts of equity have assumed jurisdiction of a particular class of cases, their jurisdiction in such cases will continue, notwithstanding in the development of legal means redress becomes attainable in courts of law.

means redress becomes attainable in courts of law.

2. It is not the object of the code to abolish existing remedies in cases where no provision is made therein for the prosecution of actions. Cases involving substantial rights, which are clearly outside the provision of the code, may be presecuted in accordance with the practice previously recognized in courts of common law and equity.

3. In the petition it is alleged that the defendant therein, plaintiff's busband, in the year 1878, procured a decree of divorce in this state by means of fraud and perjured testimony. At said time and until recently the plaintiff resided in the state of Pennsylvania, that the only service upon her was by publication in a local newspaper and that she was not aware of the whereabouts of her husband or of said action or decree until the time of the filing of her petition cloven years later. Held to state a cause of action since the remedy by petition for a new trial under the code is inaticquate and that the court which allowed the decree may in the exercise of its general equity powers vacate it upon proper showing of fraud and imposition.

4. A luggment or decree procured by fraud is not absolutely void in the sense that it can be assailed in a strictly collateral proceeding, but is voidable merely at the election of the party defrauded thereby.

5. One S. procured a divorce from his wife by decree of the district court of Fillmore county in 1878 upon constructive service. In 1889 the latter commenced an action in the district court of Douglas county to set aside and annul the said decree on the ground failure to support. Held that the cause of action is primarily to vacate the decree of the district court of Fillmore county and that the district cour

Supreme Court Proceedings.

A. H. Briggs, esq., of Dodge county and A. M. Russell, esq., of Cass county were admitted to practice. Gutsche vs Sullivan, dismissed. Carter vs Gibson, appellant to file bond in ten days. ten days.

The following cases were argued and submitted: Kleckner vs Turk; Hanover Fire

PETITION NOT NECESSARY Insurance company vs Parrotte, on motion Starin vs Dillon, on motion; Manker vs Sine on motion; School district No. 6, Cass county vs Traver; Olander vs Tighe; Hart vs Tighe; Alexander vs Traker; Reed Bros. Co. vs First National bank; Kelman

vs Calhoun.

The following cases were advanced for hearing: Gage county vs Kyd. Gage county vs Wilson, Kyd vs Gage county.

Leave was given R. W. Sabine esq., to docket State vs E. M. Buswell.

Court adjourned till Tuesday, September 26, at 9 a. m., when cases from the Third district, consisting of Lancaster county, will

Republican County Convention.

The republican county convention met at Bohanan's hall at 3 o'clock this afternoon, there being 401 delegates in attendance. W. S. Hamilton was made permanent chairman and W. Morton Smith permanent secretary. There was no contest over the nomination of treasurer, and M. M. Cobe of Denton pre-cinct was placed on the ticket without opposition. Then commenced a long drawn out fight for the office of sheriff, there being six candidates. The first ballot resulted as fol-

candidates. The first ballot resulted as follows: Ensign, 76; Hoagland, 40; Hunger, 60; Langdon, 56; Smith, 73; Trompen, 90.
Eleven ballots were taken, resulting in favor of Alva Smith. Hoagland withdrew at the close of the fifth ballot and his men scattered among the other candidates.

The convention selected a strong anti-Maxwell delegation to the state convention. The committee anywheel to phose the The committee appointed to choose the names was made up in such a manner that it was utterly impossible for a Maxwell man to slip into the delegation unless he were disguised beyond recognition.

The following ticket was named: Treasurer, M. M. Cobb; sheriff, Alva Smith; judge, I. W. Lausing; commissioner, Charles Miller; clerk, J. D. Woods; register of deeds, John Harrop; surveyor, Winfield S. Scott; coroner, Dr. Crinn; superIntendent of schools, J. S. Baer.

Tells Another Story.

Jonas Valder, the man arrested and taken to Plymouth yesterday on the charge of em-bezzlement, is back in Lincoln today a free man. He visited the police headquarters and The Bee representative, and was inclined to be captious in his criticism of the manner in which the particulars of his arrest had been reported, but he was easily convinced that the facts as given out at the police station were just as they had been reported by the constables, who had come to Lincoln with the warrant for his arrest. He states his side of the story as follows: He had visited Plymouth as the agent of a Lincoln wholesaile firm and taken a mort-gage and bill of sale on a small stock of goods held by a man named Price. After getting possession of the store he soil 80 cents worth of fruit, remitted the proceeds to the wholesale house in Lincoln, and then closed the store and came to this city him-self. He afterwards went to Plymouth in order to pack up the goods and ship them, this city, and in so doing had a row with a number of parties there. They caused his arrest from pure spite work, and the charges against him were withdrawn as soon as he faced his accusers.

Lincoln in Briet.

Charlie Edison, a young man in the employ of the Burlington, was accidentally shot in the leg by a companion named Force. The wound is not serious.

City Jailer Joha Johnson was summarily dismissed from the police force this morning for conduct unbecoming an officer.

Judge Waters displayment Planta Tierran.

Judge Waters discharged Richard Tiernan this morning. Tiernan was charged with selling liquor to minors, and his discharge was something of a surprise to the parties making the complaint.

Prof. F. W. Woods is nursing four broken rits as the result of a fall from his barn left.

Frank Huber is under arrest for grand larceny. He is accused of stealing \$50 from the proprietor of a fruit stand at the corner of Twelfth and O streets.

Puzzled the Jury. FREMONT, Sept. 20.—[Special Telegram to THE BEE. |-The coroner's jury investigating the case of Whelnering, found dead on the Union Pacific track, rendered its verdict today. The members could not from the evidence decide whether he came to his death by carelessness on his own part or criminality on the part of the company's em-

But four of the possible thirty men left Dodge county for the Cherokee Strip were successful in obtaining land. They were Ren Carpenter and H. D. Dunning, who went with the party, and Hannigan and Doyle, who drove a team.

Fire at Stromsburg. STROMSBURG, Neb., Sept. 20.-[Special Telegram to THE BEE. |-This morning, about 5 o'clock, the brick block owned by Buckley Bros. caught fire. The fire department, by efficient work, extinguished the flames. The fire originated in the rooms occupied by Alfred Anderson, harness and saddlery goods, and John Hurd, boots and shoes. The losses and insurance are as follows: Buckley Bros., insurance on building, \$3,000; loss, \$800. Anderson, insurance, \$2,000; loss, \$1,100. flurd, insurance, \$1,000; loss, from \$1,400 to \$1,600. The origin of the fire is a mystem.

fire is a mystery.

Foreclosed the Mortgage. DAKOTA CITY, Sept. 20.—[Special Telegram to THE BEE.]-The grocery store of John Robertson was yesterday closed by Attorneys Jay and Beck on a chattel mortgage for \$150 and is advertised to be sold at auction October 12.

The general merchandise store of M. J. Herman of Homer was burned with its con-tents early this morning. It is thought the store was first-plundered and then set on fire, as the entire building inside was ablaze when the fire was discovered. Insurance,

Nebraska Visitors to the Fair. HASTINGS, Sept. 20 .- [Special Telegram to

THE BEE.]—Two hundred and three citizens of Hastings left today for the World's fair. of Hastings left today for the World's fair. The majority had been led to expect a reduction would be made in the fare, but each one who wished to go was obliged to pay \$19.15 before a ticket could be obtained. Four coaches were provided from this city, and advices here are that the trainload was increased by 104 passengers from York, about sixty from David City and a number from Fremont.

Will Combine with the Populists, Текаман, Neb., Sept. 20.—[Special to Тив BEE]-The Burt county democratic convention is called to meet in Tekamah Monday, September 25. By the knowing ones it is predicted that the convention will meet and endorse the independent nominees, who are, with two exceptions, democrats. This is the only way they can possibly hope to knock down an office or two for themselves, the republicans being greatly in the majority in the country. ity in the county.

Kept the Money at Home. GRAND ISLAND, Sept. 20 .- [Special to THE BEE.]-The canning factory distributed

\$6,000 among its employes yesterday afternoon, this sum representing the wages of the men, women and children employed during the cora-canning season. All the money re-mains at home as only home labor was em-ployed. This does not include \$4,000 paid to the same class during the pea season. Relie of Pioneer Days.

GRAND ISLAND, Sept. 20 .- | Special to THE BEE.]-While digging for sewer connections yesterday John Allen and H. Swanke found a grape shot imbedded about two feet below a grape snot imbedded about two feet below the surface soil. It is supposed to be a relic of the days of 18%, when the settlers were testing ouns in expectation of attacks from Indians. The digging took place in the heart of the city.

Teachers Tendered a Reception. GREENWOOD, Neb., Sept. 20 .- [Special to THE BRE]-Last evening the Epworth league gave the teachers who are to conduct the High school the coming year a grand re-ception at the residence of Mr. and Mrs. George W. Clark. The evening was all that could be desired. The lawn was brilliantly illuminated. A large number were present.

Republican Primaries. Hastings, Sept. 20.—[Special Telegram to The Bee.]—The republican primaries for Hastings to elect delegates to the county convention were today called for the 28th inst., the county convention being held the 30th.

Take Bromo-Scitzer for insomnia Before retiring—trial bottle 10a.

AGER'S JOURNEYINGS

Objects of His Various Trips Through the Length and Breadth of Nebraska.

PERSISTENT QUEST FOR SOFT MARKS

than Honor-The Career of a Professional in the Way of Fixing.

A well known South Platte politician, who is a staunch friend of Judge Maxwell came in yesterday and is stopping at the Paxton. In speaking of his recent travels through the southern part of the state, he told of his experience in following up the trail of J. H. Ager, of whose notorious career

he talked very plainly. He said: "Ager is annual pass distributor and blank passbook manipulator for all the railroads in this state, and has been making a thorough canvass for the anti-Maxwell forces. His sole mission on earth is to do the bidding of the railroads, and he is now engaged in 'fixing things' for the state convention. He is ostensibly in the employ of the State Journal, the principal railroad organ in the state, which cheerfully furnishes him with a cloak under which to disguise his missionary work, but it is a fact that his connection with the Journal is purely nominal.

Purely Imaginary.

"His present relation to that paper is as imaginary as was his relationship with the Associated press last winter during the dislative session, when he occupied a conspicuously labeled desk in the senate chamber, posing as the Associated press representative. He occupied his seat under false pretenses, adopting the role of correspondent solely for the purpose of enabling him to secure the privileges of the floor that he might lobby in the interests of the railroads might lobby in the interests of the railroads and other corporate monopolies. While seated at his desk ostensibly preparing dispatches he was busily engaged in filling out blank passes for lobbyists, railroad politicians and members or the friends of members who were enrolled on the corporation side or who were counted as likely to soon fall into the trap that was set for them and become the prey of the railroad managers. It was at that time also a part of Ager's work to make a nightly round of the hotels for the purpose of handing out trans-portation, and seldom it was that he failed to put in an appearance at the Lindell, Capitol, Windsor and Lincoln, where he would promenade the rotundas for a short time to advertise his arrival, and then seat himself at a table in the reading room, with a pile of blank pass books before him, and attend to the wants of all comers.

His Present Peculiar Position. "Ager sends in daily reports to railroad headquarters as to his success in injuring Maxwell's chances in the various counties visited by him. He occupies the same position today that was held by Ed C. Carnes of Seward when he was made lieutenant governor. He stands toward the railroads in the position of confidential political measurement. the position of confidential political messenger, and when any particular piece of political dirty work is to be performed Ager is sent out with instructions to the local henchmen. He is said to be on the pay rolls of the four leading railroads of the state, and is reputed to squeeze \$4,000 per annum out of the railroad coffers for his services. John Sahler is of the opinion that Ager is an expensive luxury for the roads, in view of the carto blanche given the latter last year and the subsequent passage of the maximum freight rate law, but that opinion is somewhat tinctured with the essence of sour grapes, as the services of the veteran lobbyist were dispensed with last winter for those of the

younger, if not handsomer, man. One Trip that Failed. "Ager was the individual who was sent up into Knox county last December with \$500 sowed in the lining of his yest to be used in converting the local politicians of that convering the local politicians of that county that the results of the election might be set aside and Chester Norton sent to the legislature and J. G. Kruze kept at home. Ager found that it was unnecessary to expend the monoy, and on his return boasted that he was the only man who had ever dipped into Nebraska politics who had honor enough to return unexpended boadle money. nough to return unexpended boodle money that was entrusted to his care. He claims that he turned the \$500 back into the hands of his political masters. Ager also did the 'fixing' in Clay county over the legislative contest, but it was so ineffectively done that

both in this case and that in Knox county he was knocked out by a 'prejudiced' court. He's "Fixing" Delegates.

"Ager's business at the present time is to get county delegations to the state conven-tion instructed for the local candidate in the several counties, and in the event of failing in this, it is his duty to see that no instructions for Maxwell are placed upon the various delegations. He also apprises his political bosses when and where cash will do the most good in the primaries, and he picks out men in the various counties who will be de-sirable to act as proxy holders in the state convention, and forwards their names to railroad headquarters in order that transportation may be forthcoming to take these parties to Lincoln, where they may be ready, as well as eligible, from a railroad standpoint, for the work that is to be given them October 5.
"When the convention meets it will be the

duty of Ager to stuff the list of delegates and assist in padding the vote, just as was done two years ago, when Judge Reese was

When He First Showed Up.

Ager was first brought into public notice by his selection and appointment as one of the secretaries of the State Board of Transportation about six years ago. He was appointed at the instigation of the B. & M. having been previously employed as station agent by the Union Pacific at Ord, in Valley county. His abilities were not such as to commend him to the railroads as a practical man, but he was considered good enough to serve the people on a commission which was devised to protect the railroads, as he was thoroughly acquainted with the problem of how not to reduce rates. He served upon the commission until kicked out by public opinion, since which time he has been retained in the pay and employ of the corporation. poration.

It's a Twice-Told Tale.

"The history of Ager's operations last year is now being repeated. In February, 1892, he was placed in the field, ostensibly as the traveling correspondent of the State Journal, but really to act as spy upon the preliminary developments of the great campaign that was to begin later in the year. As a correwas to begin inter in the year. As a correspondent Ager became too notorious, and his owners were compelled to call him off that feature of the work. He continued his travels, however, and by the time the state convention met at Lincoln ne was pretty thoroughly equipped with information of the baser sort, which was to be used in handling the convention in the interests of the railroads. He had taken the political measure of every delegate to the state convention, as well as of every man nominated for the legislature in each man nominated for the legislature in each county in the state. By means of the information furnished by Ager, the railroad managers were able to decide which men should be elected and which defeated, and it was through this information that anti-monopoly republicans were defeated in some countles and railroad democrats elected, and vice

"When other work is dull, Ager puts in his time hanging around the supreme court, haunting the consultation room, and picking up pointers as to coming decisions."

Republican Success in tinge Sure.

BEATRICE, Sept. 20.—[Special to THE BEE.]

The placing in the field of two democratic tickets yesterday, making five sets of candidates in all, makes the election of the entire republican ticket doubly sure.

The delegates to the state convention nominated by the anti-Cooks faction were instructed for A. Hardy for supreme judge.

Mrs. S. W. Wadsworth, who has been an invalid for a long time, suffering from tumor of the stomach, was taken to Chicago today for the purpose of having an operation performed.

A pleasant surprise was given by hose

company No. 1 at the residence of Douglas Oliver Monday evening to herbert Smith, who leaves tomorrow for lowa City, where he will attend school. Mr. Smith has until recently been on the mail service as carrier. The police are argesting boys under 15 years old found on the streets after 9 o'clock p.m. Thus far ten boys have been arrested and given a night's lodging at the bastile.

NEDRASKA COUNTY FAIRS.

Exhibition at Plattsmouth One of the Best in the History of Cass. PLATTSMOUTH, Sept. 20. - [Special Telegran to THE BEE.]-The twenty-seventh annual meeting of the Cass County Fair association opened in this city today under favorable auspices. The exhibits are large in every lepartment, and the fair is without doubt very best ever held in this county. The develoraces today attracted a crowd of everal thousand. Some forty bicyclists were on hand to participate, and the several several thousand. Some forty bicyclists were on hand to participate, and the several contests proved unusually close and interesting. The results were as follows: One mile, open, Pixley of Omaha won, Tom Patterson of Plattsmouth second, Sam Patterson of Plattsmouth third; time, 3:07. Haif mile, novice, Meierstein of Sioux City won, Cleaver of Malvern second. Schulhoff of Plattsmouth third; time, 1:21½. Quartermile, open, Condon and Pixley of Omaha ran a dead heat for first, with Tom Patterson of Plattsmouth third; time, 3: seconds. Half-mile, open, Condon and Pixley ran a second dead heat for first honors, with Proulx of South Omaha following close; time, 1:27-4-5. The two dead heats between Condon and Pixley were settled by giving the quarter-mile to Condon and the half-mile to Pixley.

Half mile, boys race: Meirstein of Sioux City won, Louie Thomas of Plattsmouth second, Dewing Hiatt of Plattsmouth third; time, 1:231½.

time, 1:2314.

Five mile handleap: Condon of Omaha won, Pixley of Omaha second, Proux of South Omaha third, Schnell of Omaha fourth; time, 15:52.

Case county championship; Sam Patter-son of Plattsmouth won, Thomas Parmele of Plattsmouth second, Thomas Patterson of Platesmouth second, Thomas Patterson of Platesmouth third; time, 1:26.

The value of the prizes distributed among the winners by the fair association aggre-gated \$000. Bicycle day has become a fixture of the fair.

Some excellent horse racing is booked for comorrow and Friday, and a big attendance is expected.

TERAMAH, Neb., Sept. 20.— Special to THE BEE. — The Burt county annual fair opened today at this place and will continue for three days. It bids fair to be one of the most successful fairs in the history of the Burt County Agricultural society. The crops in Burt county are good and the farmers propose to get out and show their big crops to the crowd to the best possible ad-vantage. Secretary J. R. Sutherland has been unceasing in his efforts to keep the fair before the public, and has succeeded grandly. This year the fair is to be relocated for the next five years. Oakland and Lyons are after it, but today chances are in favor of its relocation at Tekamah. The fair this year makes the twenty-second annual exhibit. From the first the society has been well managed and has done much toward advertising the resources of Burt county. The half mile track is one of the best in the state. The officers of the society are: H. Jeger, president, of Craig; John B.

Are: H. Jeger, president, of Craig; John B. Lyon, vice president, of Lyons; J. R. Sutherland, secretary, of Tekamah, and H. C. Lydick, treasurer, of Tekamah.

Fremont, Sept. 20.—[Special Telegram to The Ber.]—The attendance at the Dodge county fair today has been very satisfactory to the management. The races have been very exciting, especially in the 2:40 class. There were three starters and each won in very exciting, especially in the 2:40 class. There were three starters and each won in succession. The race will be decided tomorrow. Great expectations are indulged in for the success of tomorrow's session.

Franklin, Neb., Sept. 20.—Special Telegram to The Ber.—The Franklin county fair opened today. There is a very good exhibit of agricultural products and live stock. The outlook is excellent for one of the best exhibitions ever held here. Quite a number of race horses are here and the week's events will be interesting. events will be interesting.

Mrs. Leasent Hastings. Hastings, Sept. 20 .- [Special Telegram to THE BEE.]-Mrs. Mary Ellen Lease was billed to speak at a populist picnic at Leroy this afternoon, but on account of missing a rain failed to keep her appointment.

In the evening fully 8,000 people gathered at the Kerr opera house to listen to the Kansas female orator. Chairman Jones introduced the lady. She drifted from the railroad question to the tariff and from the tariff to the money question, occa-sionally becoming sarcastic. She gave the preachers and editors a scorching and wound up by saying the republican party was kill-ing itself and that the democrats were digging their own grave. The audience, politically speaking, was a very mixed crowd, over half of which were ladies.

Franktin Wedding Bells. FRANKLIN, Nob., Sept. 20 .- [Special Telegram to THE BEE.]-Miss Mac K. Byerly and Fred O. Miller were married this evening by Rev. G. W. Mitchell in the Congregational church, which was crowded. The groom is one of the prosperous merchants of the city and the bride is the daughter of Dr. and Mrs. W. H. Byerly, pioneer residents of this village. The couple leave tomorrow for a trip to the World's fair.

This morning occurred the wedding of Miss Johanne Baumann of this place and Gerst Meitzner, Roy. Mr. Klawitter of Minden officiating. The bride is a sister of the local B. & M. agent. Killed by a Switch Engine.

FAIRBURY, Sept. 20 .- [Special Telegram to THE BEE]-Port Davis was instantly killed y a Rock Island switch engine last night. He was intoxicated and laying beside the track when hit. The coroner's jury exonerated the trainmen from blame. Davis has relatives at Atlantic, Ia., and in Pennsylvania

Fight in the Burnt District. Camille Barker, Louise Marselle, Will Matthews, John Amps, Steve Hannifen and wife engaged in a lively fight in "French



KNOWLEDGE

Brings comfort and improvement and tends to personal enjoyment when rightly used. The many, who live bet-ter than others and enjoy life more, with ter than others and enjoy life more, with less expenditure, by more promptly adapting the world's best products to the needs of physical being, will attest the value to health of the pure liquid laxative principles embraced in the remedy, Syrup of Figs.

Its excellence is due to its presenting in the form most acceptable and pleasant to the taste, the refreshing and truly beneficial properties of a perfect laxative; effectually cleansing the system, dispelling colds, headaches and fevers and permanently curing constipation.

and permanently curing constipation. It has given satisfaction to millions and met with the approval of the medical profession, because it acts on the Kidneys, Liver and Bowels without weakening them and it is perfectly free from every objectionable substance.

Syrup of Figs is for sale by all druggists in 50c and \$1 bottles, but it is manufactured by the California Fig Syrup Co. only, whose name is printed on every package, also the name, Syrup of Figs, and being well informed, you will not accept any substitute if offered.

rew" on Capitol avenue last evening and several broken heads resulted. The fight started between the women over a trivial affair and almost precipitated a riot. John Amps was badly bruised and cut. riot. John Amps was badly bruised and cut. Officer Baldwin arrested the crowd on the charge of disturbing the peace.

STRIKING SHOPMEN.

Those of the Louisville & Nashville Have

Hopes of Winning. LOUISVILLE, Ky., Sept. 20.-The striking shopmen of the Louisville & Nashville are of the belief that the railroad management is endeavoring to obtain mechanics from other towns to take their places. To an Associated towns to take their places. To an Associated press correspondent this morning District Master Mechanic Charles O. Brown said he had yesterday personally met three machinists who came here at the solicitation of the Louisville & Nashville people. Two of the men were from Chicago and the other was from New York. Mr. Brown explained the situation to them and respectfully requested that they remain away from the shops. The men said they had not heard the shopmen were on a strike, and immediately promised to return home, which they did. Advices from Decatur, Ind., Bowling Green, Ky., ann other points along the line are of an encourage in a strike of the strikers. court ing nature for the strikers.

A report became current this morning that shopmen along the line, and possibly the entire Newport News & Mississippi Valley system contemplate a strike. Notice of a 10 per cent reduction was posted in the

We admit 'tis a trifle warm, too warm perhaps, to mention cold Trousers weather underwear. ---But every effect has its cause.

The effect of continued warm weather caused a "quietude," as it were, in the sale of advance winter apparel by manufacturers.

This "quietwde" put a chance in our way to buy for

100 doz, ladies' na-

tural wool, winter weight -full, regular madepearl buttons, French yoke drawers, made to sell at \$1.50.

Thursday we place them on sale at

Nice, new, beautiful goods, and you may have them at manufacturer's prices.

Warm weather gives it back to you. IT PAYS TO T RADE WITH

Warm weather brought the bargain to us.

The **MORSEI**Dry Goods Co.



BEST LINE



CONGESTIONS, PAINS, BHEUMATISM GRIPPE, CHOLERA. The most practical and surest revulsive is RIGOLLOT'S Mostard Leavest, invented by Rigollot and adopted by the Royal English Navy, the private and military French hospitals, and used all over the world. Thirty rears of success. For sale with druggists in boxes containing ten leaves each, See that the inventor's signature is upon each box and leaf. Main office, P. Rigollot & Co., 42 Avenue Victoria, Paris, France.

BIRNEY'S All druggists. 50 cents. HOTELS.

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